

**ASSEMBLY BILL**

**No. 467**

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**Introduced by Assembly Member Feuer**

February 20, 2007

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An act relating to the courts.

LEGISLATIVE COUNSEL’S DIGEST

AB 467, as introduced, Feuer. Courts: access to justice.

Existing law requires the Judicial Council to adopt rules of court, among other things, for litigants proceeding in forma pauperis and for regulating the selection of appointed counsel to handle criminal appeals by indigent defendants, as specified.

This bill would state findings and declarations of the Legislature relating to access to the courts for those persons unable to pay court fees.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) That our legal system cannot claim to provide “equal justice
- 4 under law” unless all persons have access to the courts without
- 5 regard to their economic means. California law and court
- 6 procedures should ensure that court fees are not a barrier to court
- 7 access for those with insufficient economic means to pay those
- 8 fees.

- 1 (b) That fiscal responsibility should be tempered with concern  
2 for litigants' rights to access the justice system. The procedure for  
3 allowing the poor to use court services without paying ordinary  
4 fees must be one that applies rules fairly to similarly situated  
5 persons, is accessible to those with limited knowledge of court  
6 processes, and does not delay access to court services. The  
7 procedure for determining if a litigant may file a lawsuit without  
8 paying a fee must not interfere with court access for those without  
9 the financial means to do so.
- 10 (c) That those who are able to pay court fees in fact should do  
11 so and that courts should be allowed to recover previously waived  
12 fees when a litigant has obtained a substantial judgment or  
13 settlement.